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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,484	09/14/2000	Masato Suzuki	NAK1-AN73r	9431
<div>20277      7590      06/28/2007 MCDERMOTT WILL &amp; EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096</div>				
			<div>EXAMINER COULTER, KENNETH R</div>	
			<div>ART UNIT 2141</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 06/28/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/662,484

Applicant(s)

SUZUKI ET AL.

Examiner

Kenneth R. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 80-82, 85 and 87-90 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80-82, 85 and 87-90 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Reissue Applications***

1. Applicant is reminded of the continuing obligation under 37 CFR 1.178(b), to timely apprise the Office of any prior or concurrent proceeding in which Patent No. 5,809,306 is or was involved. These proceedings would include interferences, reissues, reexaminations, and litigation.

Applicant is further reminded of the continuing obligation under 37 CFR 1.56, to timely apprise the Office of any information which is material to patentability of the claims under consideration in this reissue application.

These obligations rest with each individual associated with the filing and prosecution of this application for reissue. See also MPEP §§ 1404, 1442.01 and 1442.04.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 80 – 82, 85, and 87 – 90 are rejected under 35 U.S.C. 102(e) as being anticipated by Killian et al. (U.S. Pat. No. 5,420,992) (Backward-Compatible Computer Architecture With Extended Word Size and Address Space).

3.1 Regarding claim 80, Killian discloses a processor for operating certain data in accordance with an instruction in a program, said instruction designates at least one of a first register and a second register, said processor comprising:

a first unit configured to perform sign-extending of the certain data if the instruction designates the second register (col. 7, line 67 – col. 8, line 32);

a second unit configured to perform zero-extending of the certain data if the instruction designates the first register (col. 7, line 67 – col. 8, line 32).

3.2 Per claim 81, Killian teaches the processor of claim 80, wherein the instruction includes a destination operand which designates one of said first register unit and said second register unit (col. 7, line 67 – col. 8, line 32).

3.3 Regarding claim 82, Killian discloses the processor of claim 81, wherein said data is an immediate data included in the instruction (col. 7, line 67 – col. 8, line 13).

3.4 Per claims 85 and 87 – 90, the rejection of claims 80 – 82 under 35 USC 102(e) (paragraphs 3.1 – 3.3 above) applies fully.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 80 – 82, 85, and 87 – 90 are rejected under 35 U.S.C. 102(b) as being anticipated by Boutaud et al. (U.S Pat. No. 5,072,418) (Series Maximum/Minimum Function Computing Devices, Systems and Methods).

5.1 Regarding claim 80, Boutaud discloses a processor for operating certain data in accordance with an instruction in a program, said instruction designates at least one of a first register and a second register, said processor comprising:

a first unit configured to perform sign-extending of the certain data if the instruction designates the second register (Abstract; Fig. 1b; col. 5, line 64 – col. 6, line 9; col. 15, lines 3 – 14);

a second unit configured to perform zero-extending of the certain data if the instruction designates the first register (Abstract; Fig. 1b; col. 5, line 64 – col. 6, line 9; col. 15, lines 3 – 14).

5.2 Per claim 81, Boutaud teaches the processor of claim 80, wherein the instruction includes a destination operand which designates one of said first register unit and said

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second register unit (Abstract; Fig. 1b; col. 5, line 64 – col. 6, line 9; col. 15, lines 3 – 14).

5.3 Regarding claim 82, Boutaud discloses the processor of claim 81, wherein said data is an immediate data included in the instruction (col. 5, lines 22 – 39).

5.4 Per claims 85 and 87 – 90, the rejection of claims 80 – 82 under 35 USC 102(b) (paragraphs 5.1 – 5.3 above) applies fully.

### ***Response to Arguments***

6. Applicant's arguments filed 10/2/06 have been fully considered but they are not persuasive.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

krc

KENNETH R. COULTER  
PRIMARY EXAMINER

